

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-11825-NMG

G. DAVID IVERSON and
ACCESS WITH SUCCESS,
INC.

Plaintiffs,

v.

CITY OF BOSTON,
Defendant.

**DEFENDANT CITY OF BOSTON'S OPPOSITION TO PLAINTIFF G. DAVID
IVERSON'S MOTION TO COMPEL RESPONSES TO HIS INTERROGATORIES
TO THE DEFENDANT, CITY OF BOSTON**

The Defendant, City of Boston, opposes Plaintiff G. David Iverson's Motion to Compel Responses to His Interrogatories to the Defendant on several grounds.

1. Plaintiff G. David Iverson filed his Motion to Compel Responses to Eleven Interrogatories on January 31, 2005; however as of January 31, 2005, the City of Boston has not received any discovery requests, including eleven interrogatories.
2. Plaintiff's motion to compel should be denied for failure to comply with LR 37.1, as Plaintiff has neither requested the discovery at issue in his motion to compel, nor has he

held the LR 31.1(A) conference. Further, Plaintiff failed to provide the certificate of compliance with LR 37.1(B).

3. Plaintiff's motion to compel should be denied for failure to comply with LR 26.2 (C), which provides "the judicial officer shall not consider any discovery motion that is not accompanied by a certification, as required by LR 7.1 (A)(2) and LR 37.1(B)"
4. Plaintiff's Motion to Compel Discovery is untimely, as this Court has not yet scheduled a 16.1 scheduling conference.
5. The Defendant moved to dismiss Plaintiffs' complaint for failure to state a claim, on the grounds that Plaintiffs lack standing to bring the instant case. This Court has not ruled on said motion to dismiss. It would be premature and a waste of resources to engage in discovery in this case until the Court has ruled on the City's motion to dismiss.

In Conclusion, the City of Boston Opposes Plaintiff G. David Iverson's Motion to Compel for the reasons stated above, and

asks that all discovery requests be denied until the Court has ruled upon the City's pending Motion to Dismiss.

DEFENDANT, CITY OF BOSTON

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